

L. Glass
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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Government Telecommunications, Inc.
File: B-243047
Date: May 3, 1991

Glenn J. Ballenger for the protester.
Sidney G. Masri, Esq., for Contel Federal Systems, an interested party.
Douglas G. White, Esq., Defense Communications Agency, for the agency.
Linda C. Glass, Esq., and Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Allegation that agency improperly failed to evaluate protester's alternate price proposal is academic, and will not be considered, where solicitation provided for award to low, technically acceptable offeror, and subsequent evaluation by agency of protester's alternate price proposal shows that it would not have been low.

DECISION

Government Telecommunications, Inc. (GTI) protests the award of a contract to Contel Federal Systems, under request for proposals (RFP) No. DCA200-90-R-0006, issued by the Defense Communications Agency (DCA) for a telecommunications system consisting of microcomputer based terminal equipment and an associated telecommunications network for the upgrade/replacement of the CONUS Meteorological Data Systems (COMEDS). The protester objects to the agency's failure to consider an alternate price proposal that it submitted in its revised proposal as well as in its best and final offer (BAFO). The protester requests that our Office "order the agency to evaluate the protester's alternate proposal."

We dismiss the protest.

On May 4, 1990, the agency issued the RFP for a fixed-price, indefinite delivery/indefinite quantity contract for a base period of 1 year with four 1-year options. The RFP required offerors to provide and maintain a complete system to include

circuits, equipment (both communications and personal computers), installation, deinstallation, relocations, software upgrades, and training for COMEDS throughout the 48 contiguous United States, District of Columbia, Hawaii and Canada. Offerors were also required to interface their system with certain government-furnished equipment (GFE) described in the RFP. The RFP further provided that an offeror may quote equipment and services on a lease, lease with option to purchase, lease to ownership plan, or direct purchase plan. Award was to be made to the technically acceptable offeror whose plan constituted the lowest discounted life-cycle cost to the government.

The agency received several offers from three offerors in response to the RFP by the July 20 closing date. After discussions, all offerors were determined to be technically acceptable. GTI then submitted a revised price proposal which included three pricing plans marked "primary" and one pricing plan marked "alternate." GTI's alternate proposal consisted of an alternate purchase plan and proposed the use of GFE for the equipment-related items and also government-furnished support services for those equipment items.^{1/} The agency determined that GTI's alternate proposal was ineligible for award because it: (1) did not include any transmission equipment as required by the performance specifications; (2) did not meet solicitation requirement for submission of alternate proposals; and (3) relied upon the use of GFE that was not provided for in the solicitation. On November 28, the agency requested BAFOs. In its BAFO, GTE again submitted its alternate pricing plan. On February 15, 1991, the agency awarded the contract to Contel in the amount of \$13,575,773.

The protester argues that had the cost evaluation been applied to its alternate proposal, its solution would have resulted in a lower cost alternative to that submitted by Contel. GTI estimates that the cost of the hardware procurement using GFE would have added a maximum of \$3 million to the cost of its alternate proposal, thus bringing the total evaluated cost of GTI's alternate proposal to approximately \$12,000,000, which would have been less than Contel's award price.

DCA states that, in response to the protest, it has evaluated GTI's alternate price proposal in accordance with the solicitation evaluation criteria, and GTI's total evaluated price is approximately \$16 million, which is higher than

^{1/} GTI proposed that the GFE for satisfying this requirement be purchased through the Desktop III contract currently in place with Unisys Corporation.

Contel's evaluated price. GTI does not dispute the agency's evaluation of its alternate price proposal, and we have no basis to question this evaluation. Accordingly, we think that the protest is academic. See generally Madison Servs., Inc., B-236894, Jan. 12, 1990, 90-1 CPD ¶ 49; Universal Hydraulics, Inc., B-230676, Apr. 25, 1988, 88-1 CPD ¶ 398.

The protest is dismissed.

Michael R. Golden

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